

Senate Bill No. 1276

CHAPTER 372

An act to amend Sections 10703 and 15101 of the Elections Code, relating to elections.

[Approved by Governor September 20, 2006. Filed with
Secretary of State September 20, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1276, Committee on Elections, Reapportionment and Constitutional Amendments. Omnibus elections bill.

(1) Existing law requires that a special election shall be conducted to fill a vacancy in the office of Representative in Congress, State Senator, or Assembly Member on a Tuesday at least 112 days, but not more than 119 days, following the issuance of an election proclamation by the Governor, except as specified.

This bill would extend the time period for holding a special election from at least 112 days to no more than 126 days following the issuance of an election proclamation by the Governor.

(2) Existing law specifies the procedures for processing absentee ballot return envelopes during the 29-day period before any election and authorizes any jurisdiction having the necessary computer capability to start processing absentee ballots on the 7th day prior to the election.

This bill would revise this authorization to apply to the 7th business day prior to the election.

The people of the State of California do enact as follows:

SECTION 1. Section 10703 of the Elections Code is amended to read:

10703. (a) A special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of Assembly shall be conducted on a Tuesday at least 112 days, but not more than 126 days, following the issuance of an election proclamation by the Governor pursuant to Section 1773 of the Government Code, except that any special election may be conducted within 180 days following the proclamation in order that the election or the primary election may be consolidated with the next regularly scheduled statewide election or local election occurring wholly or partially within the same territory in which the vacancy exists, provided that the voters eligible to vote in the local election comprise at least 50 percent of all the voters eligible to vote on the vacancy.

(b) Except as provided in Chapter 3 (commencing with Section 10730), a special election or a primary election may not be conducted on the day after a state holiday.

SEC. 2. Section 15101 of the Elections Code is amended to read:

15101. (a) Any jurisdiction in which absentee ballots are cast may begin to process absentee ballot return envelopes beginning 29 days before the election. Processing absentee ballot return envelopes may include verifying the voter's signature on the absentee ballot return envelope and updating voter history records.

(b) Any jurisdiction having the necessary computer capability may start to process absentee ballots on the seventh business day prior to the election. Processing absentee ballots includes opening absentee ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process absentee ballots at 5 p.m. on the day before the election.

(c) Results of any absentee ballot tabulation or count shall not be released prior to the close of the polls on the day of the election.